

# EXHIBIT K

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA920935**Filing date: **09/09/2018**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Babco Foods International, LLC
Granted to Date of previous extension	09/08/2018
Address	226 Jackson Street Bridgewater, NJ 08807 UNITED STATES
Attorney information	David Postolski Gearhart Law 41 river road summit, NJ 07901 UNITED STATES ustmdocket@gearhartlaw.com, david@gearhartlaw.com 9082730700

**Applicant Information**

Application No	87802971	Publication date	07/10/2018
Opposition Filing Date	09/09/2018	Opposition Period Ends	09/08/2018
Applicant	Cannar, Inc. 3408 52nd Ave NE Tacoma, WA 98422 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 030. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Cake mixes, cupcake mixes; cookie mixes; muffin mixes; bread mixes; brownie mixes; baking mixes; Chocolate; Chocolate and chocolates; Chocolate bars; Chocolatecandies; Chocolate-based ready-to-eat food bars; Chocolates and chocolate basedready to eat candies and snacks


**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act Section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2966671	Application Date	12/31/2003
Registration Date	07/12/2005	Foreign Priority	NONE

		Date	
Word Mark	ANAND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 Dried fruit, fruit based snacks, potatosnacks, and processed nuts Class 030. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 rice based snacks and wheat based snacks		

U.S. Registration No.	4992483	Application Date	10/27/2015
Registration Date	07/05/2016	Foreign Priority Date	NONE
Word Mark	ANAND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2013/03/00 First Use In Commerce: 2013/03/00 Vegetables, instant frozen; frozen vegetable based-entrees; processed fruits, namely, frozen banana, coconut and jackfruit; frozen snacks, prepared meals and entrees consisting of vegetables, lentils or rice Class 030. First use: First Use: 2013/03/00 First Use In Commerce: 2013/03/00 Frozen breads, pancakes; frozen confectionery; frozen ready to eat fruit based desserts; frozen confectionery containing lentils, chickpeas or rice		
U.S. Application No.	87864052	Application Date	04/05/2018

Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ANAND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2013/03/01 First Use In Commerce: 2013/03/01 Sun-dried vegetables and chilies, driedchilies Class 030. First use: First Use: 2013/03/01 First Use In Commerce: 2013/03/01 Brittle of peanut, seasame, puffed rice, Jaggery; Millets, whole-grain cereals, rice flour sheets, Halwa made of bananaand wheat; fryums		

Attachments	78346915#TMSN.png( bytes ) 86801225#TMSN.png( bytes ) 87864052#TMSN.png( bytes ) 2626BF14TMOPP_180909_FINAL.pdf(33820 bytes )
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Signature	/David Postolski/
Name	David Postolski
Date	09/09/2018

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**Babco Foods International**

Opposer,

v.

**Cannar, Inc.**

Applicant.

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: Opposition No. \_\_\_\_\_  
: Serial No. 87802971

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**NOTICE OF OPPOSITION**

1. In the matter of the application for registration of Serial No. 87802971 in standard character form by Cannar, Inc. (Applicant) of 3408 52nd Ave NE Tacoma Washington 98422 on the Principal Register of the Trademark Act of 1946, as a trademark for “cake mixes, cupcake mixes; cookie mixes; muffin mixes; bread mixes; brownie mixes; baking mixes; Chocolate; Chocolate and chocolates; Chocolate bars; Chocolate candies; Chocolate-based ready-to-eat food bars; Chocolates and chocolate based ready to eat candies and snacks” in International Class 30; Babco Foods International (“Opposer” of 226 Jackson Street Bridgewater NEW JERSEY 08807 believes they will be damaged by registration of said marks and, therefore, opposes Applicant’s registration.

As ground for this Opposition, Opposer respectfully alleges the following:

2. Opposer provides goods in many different classes, including in Class 30: rice based snacks and wheat based snacks; Frozen breads, pancakes; frozen confectionery; frozen ready to eat fruit based desserts; frozen confectionery containing lentils, chickpeas or rice; Brittle of peanut, sesame, puffed rice, Jaggery; Millets, whole-grain cereals, rice flour sheets, Halwa made of banana and wheat; fryums
3. Opposer is the owner of U.S. Trademark Registration No. 2966671, ANAND in standard character form, registered on December 31, 2003 on the principal register for “Dried fruit, fruit based snacks, potato snacks, and processed nuts” in International Class 29 and “rice based snacks and wheat based snacks” in International Class 30, which was originally filed as a 1A (“in use”) trademark application on July 12, 2005 having a date of first use of September 2003 and first use in interstate commerce of September 2003.
4. Opposer is the owner of U.S. Trademark Registration No. 4992483, ANAND in standard character form, registered on July 5, 2016 on the principal register for “Vegetables, instant frozen; frozen vegetable based-entrees; processed fruits, namely, frozen banana, coconut and jackfruit; frozen snacks, prepared meals and entrees consisting of vegetables, lentils or rice” in International Class 29 and “Frozen breads, pancakes; frozen confectionery; frozen ready to eat fruit based desserts; frozen confectionery containing lentils, chickpeas or rice” in International Class 30, which was originally filed as a 1A (“in use”) trademark application on October 27, 2015 having a date of first use of March 2013 and first use in interstate commerce of March 2013.

5. Opposer is the owner of U.S. Trademark Application No. 87864052, ANAND in standard character form, on the principal register for “Sun-dried vegetables and chilies, dried chilies” in International Class 29 and “Brittle of peanut, sesame, puffed rice, Jaggery; Millets, whole-grain cereals, rice flour sheets, Halwa made of banana and wheat; fryums” in International Class 30, which was originally filed as a 1A (“in use”) trademark application on April 5, 2018 having a date of first use of March 1, 2003 and first use in interstate commerce of March 1, 2003.
6. Opposer is further the owner of the website located at <https://www.babcofoods.com/> that was made public and went live prior to the filing of Opposer’s trademark application, and the product website has continuously advertised the aforementioned goods nationwide under the trademark ANAND.
1. Applicant is the owner of a Section 1B (“intent to use”) application for registration on the Principal Register of the standard character mark ANANDA as a trademark for “cake mixes, cupcake mixes; cookie mixes; muffin mixes; bread mixes; brownie mixes; baking mixes; Chocolate; Chocolate and chocolates; Chocolate bars; Chocolate candies; Chocolate-based ready-to-eat food bars; Chocolates and chocolate based ready to eat candies and snacks” in International Class 30, which bears U.S. Trademark Serial No. 87802971, which was filed on February 19, 2018 and approved for publication on June 20, 2018 and published for opposition on July 10, 2018.
2. Upon information and belief, Applicant does not have use in commerce in the United States that Opposer can ascertain for said mark.

3. Upon information and belief, Applicant was aware of Opposer's goods, logos and marks before filing a trademark application for a mark for confusingly similar goods in the identical class in the United States due to Opposer's common law use in commerce in the United States.
4. Opposer has spent a great effort in promoting and advertising goods bearing its trademarks, has enjoyed significant sales of products bearing these trademarks, and has obtained significant income from sales due to the products and associated business bearing these trademarks.
5. The goods described in Applicant's trademark application is confusingly similar to and directly compete with the goods in which Opposer has used, is currently using, and intends to continue using its trademarks.
6. Applicant's trademark, if registered, would be injurious to Opposer. Consumers would be confused due to the confusingly similar overlap and identical nature of the goods provided under Opposer's marks and Applicant's proposed mark, and the common channels of commerce shared by Applicant and Opposer. Such confusion would result in the belief that the goods offered by the Applicant are endorsed or sponsored by Opposer or that Applicant utilizes Opposer's goods. The goods specified in Applicant's application for registration and Opposer's goods would be provided in the same class of customers and would be advertised in the same channels of trade.
7. Through its use of its logos and marks in interstate commerce and advertising, Opposer has built up valuable goodwill in its marks, and, as a result, consumers have recognized and identified goods bearing these trademarks as being the goods of the Opposer. If Applicant's mark is permitted to be registered on the



Principal Register, Opposer's goodwill will be damaged because of the strong likelihood of confusion that will result, and in fact may have already resulted, in the minds of consumers purchasing Applicant's goods that they originated with, or were endorsed by Opposer, or involve products produced by Opposer.

8. For at least these reasons, Applicant is not entitled to the registration for Serial No. 87802971 for the goods specified herein.
9. For at least these reasons, Opposer believes that it would be materially damaged if Applicant's mark is allowed to register, and therefore, prays that registration of Serial No.'s 87802971 be refused and this Opposition be sustained.

Respectfully submitted,

September 9, 2018

/David Postolski/

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ATTORNEY FOR  
BABCO FOODS INTERNATIONAL

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing NOTICE OF OPPOSITION was served on Counsel for Applicant by first class mail and email at the address below:

MICHAEL G. ATKINS  
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Date: September 9, 2018

By: \_\_\_\_/David D. Postolski\_\_\_\_\_

(David Postolski)